

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-51865

DENISE ALANE EAST,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING MOTION TO APPROVE THE REAFFIRMATION AGREEMENT
BETWEEN DEBTOR AND OUR CREDIT UNION F/K/A
ROYAL OAKLAND COMMUNITY CREDIT UNION**

On April 16, 2009, Debtor filed a voluntary petition for relief under Chapter 7. On July 22, 2009, the Court entered an order granting Debtor a discharge under 11 U.S.C. § 727. On July 27, 2009, a Reaffirmation Agreement between Debtor and Our Credit Union f/k/a Royal Oakland Community Credit Union (Docket # 17, the “Reaffirmation Agreement”), and a “Motion for Approval of Reaffirmation Agreement” (Docket # 18, the “Motion”) were filed.

Under 11 U.S.C. § 524(c)(1), a reaffirmation agreement is not enforceable unless it “was made before the granting of the discharge under section 727.” The Reaffirmation Agreement in question was executed by the Debtor pre-discharge, on July 14, 2007 (*see* Part B), but the creditor's signature in Part B is undated (and the date line before the signature is left blank), so the agreement does not show that it was made by the parties before the July 22, 2009 discharge. Debtor's attorney signed Part C on July 27, 2009, and it appears that he faxed the agreement to creditor's attorney that same day (per the fax header at the top of each page). Creditor's attorney filed it that same day, along with the Motion in which Debtor states that she was not represented by an attorney “in connection with” the reaffirmation agreement. (That statement appears to conflict with Part C, signed by debtor's attorney.)

It appears from the circumstances described above that the Reaffirmation Agreement was made only after the discharge order was entered. As a result, the Reaffirmation Agreement is not enforceable.

Accordingly,

IT IS ORDERED that the Reaffirmation Agreement between Debtor and Our Credit Union f/k/a Royal Oakland Community Credit Union (Docket # 17), is deemed unenforceable.

IT IS FURTHER ORDERED that the Motion (Docket # 18), is DENIED.

Signed on August 09, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge